

**WATER ALLOCATION
PROGRAM ADVISORY COMMITTEE
MEETING PROCEEDINGS**

Friday, November 22, 2002

9:00 AM-11:00 AM

ATTENDEES: See Attachment D

SUMMARY OF ACTIONS:

Board and Board staff agreed to develop a draft mission statement for the next meeting on December 19th. During that meeting the draft mission and the code presentation can serve to assist committees to inform their continuing efforts to refine short term and long-term goals.

Ms. Kerr and Ms. Crawley agreed to work together to post purpose statements and missions to the website.

1. WATER ALLOCATION PROGRAM DEVELOPMENT PROGRESS

A. Program Update and Feedback

Mr. Robert Griffith, Office of Strategic Planning and Chairman of the Public Drinking Water Protection Committee of the water Resources Board and called the meeting to order and introduced himself as the moderator of the session. The emphasis will be on the people who have been at work in the various committees over the past two months. This marks a transition in the activities to date. The last couple of meeting have served to get the program organized, getting the committee members comfortable working together in their various capacities, and committees have been developing their issues and questions. It is time for the group and particularly staff of the Water Resources Board and others to start listening to what the participants have to say rather than the other way around. Every committee has met and some have met twice with over one hundred participants signed on to the committee efforts. Forty more have expressed interest. Committees are moving forward and recruiting additional expertise as identified. Mr. Griffith stated that the process related themes seem to be holding. The process is **multi-dimensional** with the participants dividing and regrouping- doing some divergent thinking, followed by convergent thinking, interdisciplinary: with diverse interests represented, **outcome-based** with short term, intermediate, and long-term goals and **knowledge-driven** which is why the level of participation was sought and is so valuable to the endeavor. Above all, the goal of the session is to listen first to an in depth presentation by the registration and research committees and then to summary reports from each of the remaining committees. This will be followed by a brief recess and a group discussion of legislative initiatives and missions and goals. The group discussion will focus on the committee reports, the findings and themes that are recurring, any gaps or overlapping areas of committee responsibility that should be addressed. An anticipated theme may be legislative in nature, the need for legislative involvement to accomplish recommendations. Finally, whether within the discussion or as a follow-up, Mr. Griffith asked participants to provide feedback regarding the overall initiative, the process and whether it was fulfilling their expectations. Moving forward this feedback will remain important to continue to improve the process.

2. PRESENTATION: RESEARCH/REGISTRATION COMMITTEES

A. Summary of Registration Programs in Other States- Meg Kerr, Chair of the Research Committee stated that they have been meeting jointly with the registration committee to identify efforts in other states focused first on registration programs. They

identified New York, New Jersey, Maine and Florida. They presented and distributed a matrix on Maine, New Jersey and Connecticut.

- B.** Summary of Aggregate Water Use Data- Ann Veeger, URI Geosciences and Chair of the Registration Committee presented information on water use as collected from USGS published estimated water use data for Rhode Island 1995 as well as percentage data from the current, unpublished 2000 data. The objectives of the water use registration committee are to look at the data that are available, figure out what kind of information is available, where are the data gaps and in the two pilot basins are the needs similar. Do we need one system of registration in the whole state? Do we need a system at all? In some places and not in others? These questions can only be answered by looking at the data that is available. She presented and distributed the data in a series of slides. Some highlights include:

- The bulk of the 136 mgd that was used in 1995 was domestic. The largest water use public or private (self-supply) was domestic.
- 85% of water use was public supply meaning that there is water use data available for 85% of the water used. Roughly one-half of the public use is domestic, less than 20% commercial and 24% unaccounted for use.
- Self-supply withdrawals represent a relatively small percentage of the state withdrawals.
- She referred to data collected from some of the Water System Supply Management plans for a Brown University Master's thesis noting that the total volume of water only added up to about 76 million gallons per day. At this time the USGS 2000 compilation data will provide a better source of water use data for the state.
- Data for the two watersheds reveals definite differences in water use and data available. In the Pawcatuck domestic use is over 10% of total water use, agriculture represents over 40% of total withdrawals and self-supply over 60% of total withdrawals in the basin. In the Blackstone, self-supply is less than 20% so that available data provides a good picture of what is happening in the Blackstone.
- Data gaps appear primarily in the self-supply categories- irrigation, livestock and mining are effectively 100% self supplied in Rhode Island. In the Pawcatuck, domestic is estimated as well as commercial and industrial showing significant data gaps. **In summary, domestic and agriculture in the Pawcatuck and mining throughout the state represent significant data gaps.**
- Unmetered withdrawals total roughly 10% of the state total. Unmetered uses do not necessarily indicate a gap. Some self-supplied uses are metered on the wastewater side. Therefore, 10% would represent the maximum potential gap.

- C.** Regulated Riparianism Model Water Code- Ms. Connie McGreavy introduced and summarized the model regulated riparian code stressing the value of the document as a learning tool and emphasizing the code's goal to manage water as a "sustainable resource".

3. COMMITTEE REPORTS

Mr. Griffith commented that in researching national issues important to the Budget Office and the Water Resources Board, that the recent drought in the east Coast has simulated a lot of activity analogous to what the state of Rhode Island is doing in many Eastern states. He specifically mentioned a current bill that is moving through the legislature in Pennsylvania (SB 998), which is apparently very contentious and speaks directly to registration questions as well as other issues. Remaining committee chairs presented their summaries:

Registration- The committee is pursuing a number of questions. She stated that it is important to note that registration is not necessarily punitive. Registration establishes a historical use of the water which can then protect rights in the future.

Stream Flow Standards- Ms. Good stated that their first meeting served the purpose of providing additional background information, a very preliminary draft proposal for a standard, along with the methodologies that were presented to the full group in August. She stated that they are seeking peer review on the technical side. She summarized discussion and indicated that the committee would be exploring some of the concerns expressed about application of a standard, the need for good science, and the costs associated with developing standard(s).

Priority Uses-Mr. John O'Brien stated that the committee had met twice. The first meeting was organizational. Rather than trying to reinvent the wheel in figuring out what priorities should be, the committee decided review whether priorities have already been established. He referred to a summary of State Guide Plan Elements that speak to priority uses and was distributed to the group. The one policy the speaks most directly to the charge of the priorities subcommittee is contained in element 721, Water Supply Policies for Rhode Island which states that "water for drinking and the sustenance of life shall be the priority use...." The committee's mission is to come to a more definitive statement of what these categories really mean in terms of implementation. The goal is to use the subcommittee's efforts to focus in on the first strategic bullet from the policy statement: "prioritize the multiple users and uses in competition for water supplies..." The desire is to develop criteria for priority uses. He stated that the committee needs a better understanding of the missions and focus of the other committees and will be working with subcommittee members to refine their mission statement.

Mr. Reitsma stated that he is impressed with the State Guide Plan Element but less impressed with it's implementation. He asked to what extent the State Guide Plan Elements could look at watersheds rather than the whole state addressing the interaction between land use and water use. Setting priorities could inadvertently accommodate changes in the character of the watershed that may not be desirable. Mr. O'Brien stated that within the context of the state Guide Plan there is some movement in that area as policies and plans are beginning to recognize watersheds.

Water Rights and Regulatory Authority- Mr. Tierney, RI Attorney General's Office reported that the legal committee has met twice with good representation including legal expertise from the Department of Health and the Department of Environmental Management. He distributed several documents and referred to a background/overview piece that was developed by Roger Williams University. In summary the committee has explored:

1. The evolution of current water law and how it is changing in other states as they move to more regulated reasonable use systems.
2. Creating a matrix to review existing user groups and potential conflicts. He stated that there are differences between groundwater and surface water that need to be clarified as they relate to due process and takings issues. In the longer term, the committee will address the larger question of what kind of rights structure should be developed for the future.

Out of Basin Transfer- Julia Forgue, Public Works Director, Newport Water Works and President of the Rhode Island Water Works Association stated that their committee had its first introductory meeting. She stated that they began with a discussion of current practices, definitions (what is a transfer, what is a basin). The committee is exploring depicting current transfers graphically, defining critical limits and comparing the existing statutory framework to actual practices.

Water Rates- Mr. John Bell, Rate Analyst, RI Public Utilities stated that their committee met on November 15 and was scheduled to meet again on December 11. Their first meeting was a brainstorming session to discuss the relationships between pricing and conservation, impacts of rate structures and equity issues. First steps include:

- Comparing rates of suppliers
- Analyzing how rates impact consumption
- Conservation/demand management charge
- Billing for the full cycle of water/charging for the value of water

Education, Outreach and Public Relations- Mr. Tom Sandham, Eastern Conservation District, stated that the committee met and that additional public relations expertise is needed. Their primary mission is to devise a strategy to educate the public and to assemble a package to assist the public in understanding what the program is about. The emphasis is on making sure that accurate positive messages are developed for the public to avoid unnecessary fears.

Water/Wastewater and Technical Assistance- Mr. Juan Mariscal, Director of Planning Policy and Regulation, Narragansett Bay Commission distributed a handout and summarized the work of the committee to date. Their primary goal is to develop a marketing plan for wastewater and a business plan for conservation (technical assistance). He expressed the need for more members particularly managers from the wastewater treatment facilities.

Impact Analysis-Report would be made at the next full group meeting.

Joint Funding and Advocacy- Ms. McGreavy summarized the meeting notes emphasizing the need to quantify the costs of the various components of the program and the potential funding sources.

4. ROUNDTABLE DISCUSSION

Mr Griffith then stated a list of recurring topics to initiate discussion:

- Optimizing water use, and maximizing water recharge
- Water rights, authorities, multiple jurisdictions and enforcement powers.

- Allocation during normal times and during shortages
- Maximizing conservation and minimizing wasted water
- Reflecting the value of water (rates/fees tied to full water/wastewater cycle)
- A Basin by basin management approach
- The need for science and data: Use data, sort data, use GIS to predict trends
- Marketing wastewater to tailor the quality of water to the needs of the user

Mr. Griffith invited members to raise any questions and identify any issues that had not been covered by the Chairs, restating the Board's desire to assess how the program is working. Mr. Ward stated that some committee members in the streamflow committee are asking, sensibly how we can talk about minimum streamflow and how can we talk about registration without knowing how the water is being used. He questioned how the coordination would occur. Mr. Reitsma suggested that the committees assess the different ways of using the tools to develop a menu of options. He noted that in many of the committees the issue is suspicion and that the primary purpose of the effort should be made clear. The purpose is to conserve, preserve and enhance the resources of the state and to commit to using the regulatory authority granted by statute to the various agencies to gather information not to restrict. This commitment is to gather better information about how much water is available, how much is already being used, how much will be needed for different uses in the future and how that work out given the different hydrogeology in the different watersheds. If we are all committed to doing that first we can develop a better database and at the same time implement a common sense conservation strategy to develop expertise on best management practices. Mr. Bettencourt stated that he was highly suspicious of the intentions of the group. He felt that the issue of property rights should be discussed by the committees and that the comment of avoiding takings issues was disturbing to farmers. Mr. Reitsma suggested that the Farm Bureau also has an interest in preservation of the resource and that the focus should be on our common interest to get better information to address the long-term availability of water.

There was further discussion about the broad purpose of the group and a statement that the presumption was that the group is currently working toward coherent incremental changes to the existing system with the desire to identify unintended consequences before adopting any basic systems changes. Mr. Reitsma stated that there are areas where fundamental change may be required, that both avenues should be considered. Mr. Mariscal stated that it was important to focus on short term, and long term needs and opportunities for effective wastewater reuse. Mr. Griffith stated that one of the purposes of the collective group is to identify where the pressure points are and where the concerns are between competing users. We haven't answered the questions as to whether one size fits all, whether we need different plans for different regions or do we need it all in reference to registration and/or allocation. Before we can get to that point one of the issues the Water Resources Board identified was that more information is needed specifically in terms of potable water usage. A low risk/no risk (to the user) program is needed. The group has short term as well as longer term goals and objectives that need to be developed into some kind of implementable registration program by the beginning of the next fiscal year. It is essential that the group continue to look at the big picture and long-term objectives while figuring out in the short term how we are going to get there.

Committees should have short-term and mid term objectives and an assessment of the pressure points and whether they need to be addressed early on or later when they are more “ripe”; early issues that bear on registration and later issues that bear on allocation.

Ms. Kerr and Ms. Crawley agreed to work together to post purpose statements and missions to the website.

Mr. Donahue stated the need to keep the timeline in mind while moving forward. The group agreed to meet again in December for a review of committee progress and the riparian code. There was further discussion about the degree of input into the purpose and mission that the group and the committees would like from the Water Resources Board, the need to avoid duplication of effort and the desire to accomplish the maximum amount with the resources and time available. Mr. Reitsma restated the need to develop a purpose statement, an overall mission statement that creates comfort and volunteered to work toward a statement and guiding principles for the end of January. **Board and Board staff agreed to develop a draft mission statement for the next meeting on December 19th. During that meeting the draft mission and the code presentation can serve to assist committees to inform their continuing efforts to refine short term and long term goals.**

5. **LEGISLATIVE CONSIDERATIONS-** Given that the effort is early in the process, legislative initiatives should be brought to the full committee for discussion.

6. **OTHER BUSINESS**